

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2-7 and 11-12 are pending in the application. Claims 1 and 8-10 have been cancelled without prejudice or disclaimer. Claim 3 has been rewritten in independent form including all limitations of base claim 1 without otherwise touching the merits. Claim 6 now includes the subject matter of claim 10. The remaining claims have been revised where appropriate to correct dependency, to be consistent with the amended language of the base claim(s), or to improve claim language. No new matter has been introduced through the foregoing amendments.

The new grounds of rejection of claims 1-12 as being obvious under 35 U.S.C. 103(a) over the previously applied primary reference of *Turner* in view of newly cited and applied U.S. Patent Application Publication No. 2002/0142772 (hereinafter *Hunzinger* '772). Applicants respectfully traverse the new rejections for at least the following reasons.

The new *Hunzinger* '772 reference, as applied in the Office Action, is no more relevant than the previously applied and now withdrawn, i.e., U.S. Patent No. 7,133,675 (hereinafter *Hunzinger* '675). At the very least, the Examiner's cited portion of *Hunzinger* '772, e.g., column 13, lines 7-17, is directed to the process of FIG. 9 which is to be handled/initiated by the mobile terminal. See *Hunzinger* '772 at column 7, line 38. Thus, the '722 reference, as applied in the Office Action, discloses a rescue process that, like *Hunzinger* '675, is terminal-based, rather than system-based as recited in previously presented independent claims 1 and 6. For this reason alone, Applicants respectfully submit that the new rejections are improper and should be withdrawn.

Notwithstanding and solely for the purpose of expediting prosecution without being necessitated by the Examiner's new rejections, Applicants have amended the claims to further distinguish over the currently applied art of record.

Specifically, **claim 3**, now in independent form, recites, among other things, that

if the response signal (L2ACK) is not transmitted to the EV-DO system from the hybrid access terminal in traffic with the EV-DO system even though the EV-DO system has transmitted the traffic channel assignment signal to the hybrid access terminal, the EV-DO system again transmits the traffic assignment signal to the hybrid access terminal, and

if the EV-DO system receives the response signal (L2ACK) from the hybrid access terminal in response to the traffic channel assignment signal, the EV-DO system transmits an acknowledge signal for a reverse traffic channel to the hybrid access terminal, and then, re-transmitting the traffic channel assignment signal to the hybrid access terminal if a traffic channel completion signal is not transmitted to the EV-DO system from the hybrid access terminal, thereby performing the hand-off.

The claim features find support in at least FIG. 4 and the corresponding text of the application as filed. Specifically, the application as filed discloses that if the response signal (L2ACK) is not transmitted (S432 in FIG. 4) to the EV-DO system from the hybrid access terminal in traffic with the EV-DO system even though the EV-DO system has transmitted the traffic channel assignment signal (S430) to the hybrid access terminal, the EV-DO system again transmits (S440) the traffic assignment signal to the hybrid access terminal. However, if the EV-DO system receives (S442) the response signal (L2ACK) from the hybrid access terminal in response to the traffic channel assignment signal, the EV-DO system transmits an acknowledge signal for a reverse traffic channel (S450) to the hybrid access terminal, and then, re-transmitting (S470-S440) the traffic channel assignment signal to the hybrid access terminal if a traffic channel completion signal is not transmitted (S460) to the EV-DO system from the hybrid access terminal, thereby performing the hand-off.

Tuner, as applied in the Office Action, does not teach or suggest the claimed re-transmission as highlighted above. Specifically, the cited portion of *Turner*, i.e., paragraphs 0108-0118, does not at all mention any re-transmission of the TCA signal or the condition under which TCA is to be retransmitted (i.e., if a traffic channel completion (TCC) signal is not transmitted to the EV-DO system from the hybrid access terminal).

The Examiner is respectfully requested to explain his position more clearly if the rejection is to be sustained, i.e., how the cited paragraphs 0108-0118 of *Turner*, which do not at all mention any re-transmission, TCA, TCC or the sequence defined very clearly in the claim, are nevertheless readable on the claim language.

Withdrawal of the rejection of claim 3 in the absence of further evidence or rationale is believed appropriate and therefore respectfully requested.

Claim 6 includes features similar to those of claim 3 and should be considered patentable as well.

The **dependent claims** are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such

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deposit account.

Respectfully submitted,

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